

12/18/01

JC961 U.S. PTO

12-26-01

A

PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Application Number

First Inventor

Title

Attorney Docket Number

Bret BERNER et al.

Gastric Retentive Oral Dosage  
Form with Restricted Drug  
Release in the Lower  
Gastrointestinal Tract

3100-0001.20

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 55]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 9]
5. ☒ Oath or Declaration [Total Pages 3]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: Blanket Petition, Small Entity Statement

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: (Serial No. not yet assigned) filed October 25, 2001 entitled "Gastric Retentive Oral Dosage Form with Restricted Drug Release in the Gastrointestinal Tract".  
Prior application information: Examiner: Not Assigned yet Group / Art Unit: Not Assigned yet.

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number of Bar Code Label		23980 <i>(Insert Customer No. or Attach bar code label here)</i>		or <input type="checkbox"/> Correspondence address below	
Name	Dianne E. Reed				
Address	REED & ASSOCIATES				
	800 Menlo Avenue, Suite 210				
City	Menlo Park	State	CA	Zip Code	94025
Country	USA	Telephone	(650) 330-0900	Fax	(650) 330-0980
Name (Print/Type)	Dianne E. Reed	Registration No. (Attorney/Agent)		31,292	
Signature	<i>Dianne E. Reed</i>		Date	12/18/01	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commission for Patents, Box Patent Application, Washington, DC 20231.

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to "Commissioner for Patents, Box Patent Application, Washington, DC 20231."			
"Express Mail" Mailing Label No.	EL910311174US	Date of Deposit	December 18, 2001
Name of Person Mailing Paper or Fee(Print/Type)	Sam Pen		
Signature	<i>Sam Pen</i>	Date	December 18, 2001

F:\Document\3100\0001\20\application xtl.wpd

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR § 1.10 on the date indicated below and is addressed to the Commissioner of Patents, Washington, DC 20231.

(Modified) PTO/SB/05 (12/97)

"Express Mail" Mailing Label No.: EL910311174US

Date of Deposit: December 18, 2001

Type/Printed Name of Person Mailing Paper or Fee: Sam Pen

Signature of Person Mailing Paper or Fee: [Signature]

## FEE TRANSMITTAL

Note: Effective October 1, 1997.  
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT \$779

### METHOD OF PAYMENT (check one)

1. ☒ The commissioner is hereby authorized to charge any additional fees and credit any overpayments to:  
Deposit Account No.: 18-0580  
Deposit Account Name: REED & ASSOCIATES
- \_\_\_ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17    \_\_\_ Charge the Issue Fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance

2. ☒ Payment Enclosed:  
☒ Check    \_\_\_ Money Order    \_\_\_ Other

### FEE CALCULATION

#### 1. FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Due
101	740	201	370	Utility filing fee	\$370
102	330	206	165	Design filing fee	
104	510	207	255	Plant filing fee	
109	740	208	370	Reissue filing fee	
110	150	214	75	Provisional filing fee	
SUBTOTAL (1)					\$370

#### 2. CLAIMS

Total Claims	Extra	below	Fee Due
61 - 20 =	41	X 9	\$369
Independent Claims			
Claims 3 - 3 =	0	X 42	
Multiple Dependent Claims		X	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent Claims in excess of 3
104	280	204	140	Multiple Dependent Claim
109	84	209	42	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of and over original patent
SUBTOTAL (2)				\$369

### Complete if Known

Application Number	
Filing Date	Filed Herewith
First Named Inventor	Bret BERNER et al.
Group Art Unit	Not Assigned Yet
Examiner Name	Not Assigned Yet
Attorney Docket Number	3100-0001.20

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Larg e Fee Code	Entit y Fee (\$)	Small Fee Code	Entit y Fee (\$)	Fee Description	Fee Due
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	180	Submissions of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	\$40
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					\$40

### SUBMITTED BY

Typed or Printed Name	Dianne E. Reed	Reg. Number	31,292
Signature	<u>[Signature]</u>	Date	12/18/01
		Deposit Account	18-0580